

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

BENJAMIN CRAIG LEWIS, #08018150,)	
Plaintiff,)	
)	
v.)	3:08-CV-0775-D
)	
MARGARET KELIHER, et al.,)	
Defendants.)	

ORDER

The United States Magistrate Judge filed his findings, conclusions, and recommendation on June 24, 2008. Plaintiff did not file objections. Instead, on July 2, 2008 plaintiff filed an amended complaint naming Dr. Ramona Leach (“Dr. Leach”) as the sole defendant, and reiterating his claim against Dr. Leach that she incorrectly treated him for diabetes, even though he is not diabetic, causing him physical injuries.

After making an independent review of the pleadings, files, and records in this case, and the findings, conclusions, and recommendation of the magistrate judge, the court concludes that the findings and conclusions are correct. Despite the filing of the amended complaint, plaintiff’s answers to the magistrate judge’s interrogatories and his amended complaint at most allege that Dr. Leach was negligent in misdiagnosing him as a diabetic and prescribing medicine to treat diabetes,

not that she was deliberately indifferent in doing so, as that concept is interpreted in applying the Fourteenth Amendment to a pretrial detainee. It is therefore ordered that the findings, conclusions, and recommendation of the magistrate judge are adopted.

SO ORDERED.

July 28, 2008.



SIDNEY A. FITZWATER
CHIEF JUDGE